

ENTERED

August 21, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SIGMA DEVELOPMENT
CORPORATION

Plaintiff,

v.

TGP SECURITIES, *et al.*,
Defendants.

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CIVIL ACTION NO. H-16-2555

MEMORANDUM AND ORDER

This case was referred to United States Magistrate Judge Dena Palermo pursuant to 28 U.S.C. § 636(b)(1) by Order [Doc. # 24] entered November 4, 2016. On July 28, 2017, Magistrate Judge Palermo issued a Report and Recommendation [Doc. # 44], recommending that this Court grant in part and deny in part Defendants' Motion to Dismiss [Doc. # 16]. The deadline for objections to the Report and Recommendation has expired without any objections being filed. The Court finds that the Magistrate Judge's Report and Recommendation is well founded, and that the Magistrate Judge's recommended disposition should be adopted.¹ It is therefore

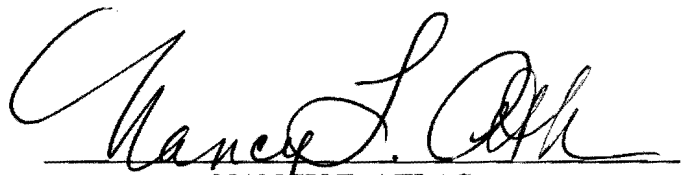
ORDERED that the Report and Recommendation [Doc. # 44] is **ADOPTED** as this Court's Memorandum and Order. It is further

¹ Since there are no objections, the Court has not made a *de novo* review of this matter. See 28 U.S.C. § 636(b)(1).

ORDERED that Defendants' Motion to Dismiss [Doc. # 16] is **DENIED** as to the challenge to personal jurisdiction and as to the claims for negligent misrepresentation, fraudulent misrepresentation, violation of the Texas Deceptive Trade Practices Act, common law fraud, and unjust enrichment and is **GRANTED** as to the claims for conversion, breach of fiduciary duty, violation of the Texas Securities Act, and fraudulent inducement. It is further

ORDERED that Plaintiff's disgorgement claim is **DISMISSED as withdrawn**.

SIGNED at Houston, Texas, this 21st day of **August, 2017**.



NANCY F. ATLAS
SENIOR UNITED STATES DISTRICT JUDGE